

## REMEDIATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR March 17, 2004

### LAST REMINDER - SUBMIT YOUR REGISTRATION FORM TODAY!

To date a limited number of participants have registered for the Northeast Region Consultant Day in Kimberly on March 31st. Northeast Region staff have heard that many people who intend to participate haven't submitted a registration form. In order to obtain a head count and plan for seating, handouts and meals, DNR and FET need to receive registration forms. The agenda and registration form is available at <http://www.fetinc.org/3-31-04NERConsultantsDay.pdf>

### LEGISLATURE CHANGES DRY CLEANER ENVIRONMENTAL RESPONSE FUND (DERF)

In the last days of the session the Legislature passed SB 324 with changes to the DERF program supported by DNR, the WI Fabricare Institute and the Department of Revenue (DOR). The changes summarized below will become effective when Governor Doyle signs the bill into law.

1. DOR Licensing Procedures: Drycleaners will obtain a license valid until it is surrendered or revoked instead of an annual license. Licenses can be revoked if drycleaners fail to pay fees or become tax delinquent. The new licenses will be transferable if a business is sold. Fees remain at 1.8% of gross receipts on the previous 3 months drycleaning revenues.
  2. Eligibility clarifications: a) Past operators as well as past owners are DERF-eligible, b) for closed facilities that were once licensed, property owners when the facility was operating are eligible, but not owners who purchased after a drycleaning facility closed, and c) an agent may submit the reimbursement application without the signature of the eligible applicant.
  3. Reimbursements from other sources: Owners and operators must notify DNR of any application, including an insurance claim for coverage of DERF-eligible costs or a request for a tax credit on eligible costs, as well as any other funds or tax credits related to costs in the application. Payments from other sources must be repaid to DNR if DERF reimbursement has already occurred, or will be subtracted from a pending reimbursement request.
  4. Deadline Date: An owner or operator may not submit a reimbursement application if they have not submitted a potential claim notification form by August 30, 2008.
  5. Payment of fees: All relevant fees, interest and penalties must be paid or an application will be denied, but anyone can make those payments.
  6. Environmental Fund Clarification: If DNR undertakes a state-funded investigation at a dry cleaner site, DERF can reimburse the Environmental Fund (except for the deductible) if DNR identifies a party that would be eligible for DERF.
  7. Third Party Site Discovery Costs: Allows limited third-party site-scoping costs to be reimbursed if costs were incurred prior to DNR or the drycleaner knowing there was a discharge from the facility. Such costs are limited to the discovery of contamination, not other investigative or remedial action costs incurred by the third-party.
- If you have questions about these changes, please contact Robin Schmidt at (608) 267-7569 or at [Robin.Schmidt@dnr.state.wi.us](mailto:Robin.Schmidt@dnr.state.wi.us). For background on the DERF Program please see <http://dnr.wi.gov/org/aw/rr/financial/dryclean.html>

### TWO BROWNFIELD INITIATIVES PASSED BY LEGISLATURE

Two bills intended to promote brownfield cleanup and redevelopment in Wisconsin have also been approved following positive comments at the public hearing. Senate bill 471 gives DNR clear authority to accept and administer a brownfields revolving loan grant from EPA. This bill supports the Wisconsin Brownfield Coalition's application to EPA for \$4 million to be distributed in grants and loans to local governments. Senate bill 472 gives the state authority to contract with an insurance provider to set up an optional insurance program for environmental cleanups. This will provide private coverage with a fixed rate and standard protections to property owners and local governments. The provisions of these bills will become law when they are signed by Governor Doyle.

### CHAPTER NR 140 ARSENIC STANDARDS CHANGE

Chapter NR 140, Wis. Adm. Code, was revised effective March 1, 2004. The revisions reduce the groundwater quality standards for arsenic. The enforcement standard (ES) for arsenic has been

reduced from 50 micrograms (ug) per liter to 10 ug/liter. The preventive action limit (PAL) for arsenic has been reduced from 5 ug/liter to 1 ug/liter. State drinking water standards in Chapter NR 809 have also been revised to lower the arsenic maximum contaminant level (MCL) from 50 ug/L to 10 ug/L. Public water supply systems must comply with the new arsenic MCL by the end of January 2006. Residents with private water supply wells that exceed 10 ug/L due to naturally occurring arsenic are advised and encouraged to reconstruct or replace their well or to treat their water to reduce arsenic levels. The Department has recommendations for the construction of new water supply wells in areas of high arsenic, and also has special casing requirements that apply in specific, designated "very high" arsenic areas. Well drillers should contact the Department about well construction recommendations and special casing zones before constructing new water supply wells in areas known to be high in arsenic.

For more information about arsenic, please see <http://dnr.wi.gov/org/water/dwg/Arsenic/index.htm>.

Printed copies of the revised Chapter NR 140 may be purchased from the state office of Document Sales at (608) 266-3358. Document Sales does not sell individual code chapters - a customer would be required to purchase the entire NR 100 rule series. The revised rule is available on-line at <http://www.legis.state.wi.us/rsb/code/nr/nr140.pdf>. If you have questions about the rule change you may contact Bill Phelps, DNR Drinking and Groundwater Program at 608-267-7619, or at [william.phelps@dnr.state.wi.us](mailto:william.phelps@dnr.state.wi.us).

This listserv operates by self-subscription only.

To subscribe send an e-mail message to: [majordomo@badger.state.wi.us](mailto:majordomo@badger.state.wi.us). Leave the subject line blank and type this in the body of the message: subscribe rr. Be sure your signature block is turned off.

To unsubscribe send an e-mail to: [majordomo@badger.state.wi.us](mailto:majordomo@badger.state.wi.us). Type this in the body of the message: unsubscribe rr, followed by the e-mail address you originally used to subscribe. Be sure your signature block is turned off. An archive of the "RR News from DNR" is located at:

<http://www.dnr.state.wi.us/org/aw/rr/general/listserv.html>